

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2021 FEB -8 A 10:21

UNITED STATES OF AMERICA

v.

NATHANIEL EUGENE JONES

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CLERK J. Hodge
CR 107-167 SU. DIST. OF GA.

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O R D E R
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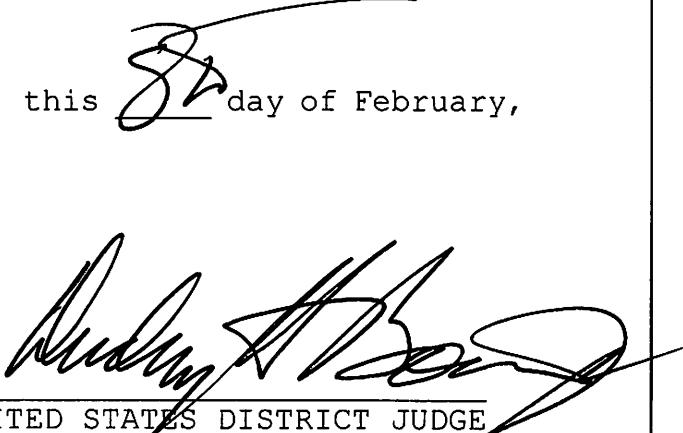
Defendant Nathaniel Eugene Jones has filed a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A), primarily based upon his claim that he faces an "unacceptably high risk of serious health consequences or death" should he contract COVID-19. (Doc. No. 388, at 1.)

Prior to the First Step Act of 2018, only the Director of the Bureau of Prisons ("BOP") could bring a motion for compassionate release. However, Section 603(b) of the First Step Act amended § 3582(c)(1)(A) to permit a defendant to bring a motion for compassionate release after either exhausting administrative rights to appeal the BOP's failure to bring such a motion or the passage of thirty days from the defendant's unanswered request to the warden for such relief. 18 U.S.C. § 3582(c)(1)(A). In this case, Defendant alleges but has not submitted evidence that he has complied with this process. Accordingly, to the extent that

Defendant seeks compassionate release, the motion (doc. no. 388) is **DENIED WITHOUT PREJUDICE** because he has not established that he has exhausted his administrative remedies as required.

Further, the Court is constrained to note that to the extent that Defendant raises claims about the conditions of his confinement, more specifically the BOP's response to the COVID-19 pandemic generally in his facility and its individualized treatment of Defendant when he was struck with COVID-19, such claims are not cognizable in the context of a § 3582(c) motion. Instead, Defendant must raise these claims in a civil suit brought pursuant to 42 U.S.C. § 1983. Moreover, because Defendant is housed in USP Thomson in Thomson, Illinois, this Court would not have jurisdiction over any potential defendants from that facility, and venue would be improper. See, e.g., United States v. Spinner, 2021 WL 280059, *5 (S.D. Ala. Jan. 27, 2021) (cited sources omitted).

ORDER ENTERED at Augusta, Georgia, this 8th day of February, 2021.


UNITED STATES DISTRICT JUDGE